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Conference of the Parties to the Minamata Convention on Mercury
First meeting
Geneva, 24–29 September 2017

Provisional agenda

1. Opening of the meeting.
2. Organizational matters:
   - (a) Adoption of the rules of procedure;
   - (b) Election of officers;
   - (c) Adoption of the agenda;
   - (d) Appointment of the credentials committee;
   - (e) Organization of work.
3. Report of the credentials committee.
4. Report on the achievements of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury.
5. Matters for action by the Conference of the Parties at its first meeting:
   - (a) Matters stipulated under the Convention:
     - (i) The guidance in relation to article 3, particularly in regard to paragraphs 5 (a), 6 and 8 of article 3;
     - (ii) The required content of the certification referred to in paragraphs 6 (b) and 8 of article 3;
     - (iii) The guidance referred to in paragraphs 8 (a) and 8 (b) of article 8;
     - (iv) The measures to give effect to the arrangements for the financial mechanism referred to in article 13;
     - (v) The membership of the Implementation and Compliance Committee as referred to in paragraph 3 of article 15;
     - (vi) The timing and format of the reporting to be followed by the parties, as referred to in paragraph 3 of article 21;
     - (vii) The establishment of arrangements in regard to effectiveness evaluation as referred to in paragraph 2 of article 22;
     - (viii) Financial rules for the Conference of the Parties and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat, as referred to in paragraph 4 of article 23;

(b) Matters stipulated by the Conference of Plenipotentiaries:

(i) Provisions for the functions of the permanent secretariat of the Minamata Convention;

(ii) Draft memorandum of understanding between the Conference of the Parties to the Minamata Convention and the Council of the Global Environment Facility;

(c) Matters recommended by the intergovernmental negotiating committee:

(i) Adoption of forms to be used in requesting an exemption from the phase-out dates listed in Annex A and Annex B;

(ii) Guidance document on the preparation of national action plans for artisanal and small-scale gold mining;

(iii) Physical location of the permanent secretariat;

(iv) Consideration of the report on open burning;

(d) Programme of work of the secretariat and budget for the period 2018–2019.

6. Matters stipulated by the Convention for action by the Conference of the Parties:

(a) Consideration of whether trade in specific mercury compounds compromises the objective of the Convention and whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with article 27, be made subject to paragraphs 6 and 8 of article 3;

(b) Reports submitted by parties implementing paragraph 2 of article 4 and review of the effectiveness of the measures;

(c) The review of Annex A referred to in paragraph 8 of article 4;

(d) The review of Annex B referred to in paragraph 10 of article 5;

(e) The guidance referred to in paragraphs 9 (a) and 9 (b) of article 8;

(f) The guidance referred to in paragraphs 7 (a) and 7 (b) of article 9;

(g) The guidelines on the interim storage of mercury and mercury compounds referred to in paragraph 3 of article 10;

(h) The definition of mercury waste thresholds referred to in paragraph 2 of article 11;

(i) The guidance on the management of contaminated sites referred to in paragraph 3 of article 12;

(j) The consideration of capacity-building, technical assistance and technology transfer as referred to in paragraph 4 and paragraph 5 of article 14, including any recommendations on how such activities could be further enhanced under article 14;

(k) Consultation and collaboration with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, and promotion of cooperation and exchange of information, as appropriate, in relation to health-related issues or activities, as referred to in paragraph 2 of article 16.

7. Venue and date of the second meeting of the Conference of the Parties.

8. Other matters.

9. Adoption of the report.

10. Closure of the meeting.

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Conference of the Parties to the Minamata Convention on Mercury
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Item 2 (e) of the provisional agenda*
Organizational matters: organization of work

Scenario note for the first meeting of the Conference of the Parties to the Minamata Convention on Mercury

Note by the Chair of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury

1. The present scenario note sets out some general expectations for the first meeting of the Conference of the Parties to the Minamata Convention on Mercury. I prepared it in consultation with the Bureau of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, as well as the representative of Switzerland (an observer at meetings of the Bureau of the committee), which is generously acting as the host country for the meeting. The main purpose of the note is to assist parties and other participants to prepare for the meeting with the aim of ensuring its success, including by ensuring that all issues that are required by the Convention to be considered and resolved by the Conference of the Parties at its first meeting are addressed and concluded.

2. The intergovernmental negotiating committee has prepared and submitted a significant amount of material for consideration and anticipated formal adoption by the Conference of the Parties at the meeting. Throughout the negotiating process, Governments have worked cooperatively to reach consensus on many issues and to ensure that all concerns raised have been addressed. With the entry into force of the Convention, and the convening of the first meeting of the Conference of the Parties, it is the hope of the retiring Bureau of the committee that the cooperative and inclusive spirit that has characterized the work to date will continue, in the recognition that the overall ambition of all those who have participated in the negotiations is to achieve a convention with universal membership and global effect.

Objectives of the first meeting of the Conference of the Parties

3. The first meeting of the Conference of the Parties has multiple objectives, including procedural, political and celebratory.

4. The Convention sets out a number of areas in which the Conference of the Parties is required to adopt decisions at its first meeting. In many of those areas, the intergovernmental negotiating committee has made good progress and has adopted guidance or other relevant material on a provisional basis for subsequent formal adoption by the Conference of the Parties. As those areas have been considered in depth at a substantive level by the committee, it is my understanding that they will

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not need to be reopened for discussion by the Conference of the Parties. With regard to other areas, however, additional information will be introduced for the first time at this meeting.

5. The Convention also requires decisions by the Conference of the Parties on other issues at an unspecified time. Those issues will be introduced at the first meeting, but it is to be hoped that there will be a clear prioritization of matters on which decisions must be adopted at the first meeting and that the organization of work will reflect this need to prioritize.

6. The Conference of Plenipotentiaries for the Minamata Convention, which met in October 2013, also tasked the Conference at its first meeting with considering some issues that are not referred to in the text of the Convention. In addition, the intergovernmental negotiating committee agreed to forward certain other matters to the Conference for its consideration.

7. Lastly, the first meeting, as a milestone in the Minamata journey, provides a unique opportunity to raise global awareness of the Convention, in particular at a high level, and to focus attention on the far-reaching impacts that the successful implementation of the Convention will achieve. It is an historic opportunity to celebrate the Convention and the achievements to date and to provide motivation and momentum to all as they take the next steps towards full implementation.

Timing and organization of the first meeting of the Conference of the Parties

8. Given the number of issues that need to be addressed by the Conference of the Parties at its first meeting, it has been decided that the duration of the meeting should be five and a half days. Accordingly, the meeting will open at 3 p.m. on Sunday, 24 September 2017, and close at 6 p.m. on Friday, 29 September 2017. Based on a mechanism used successfully for the first meetings of other conferences of the parties to multilateral environmental agreements in the chemicals and wastes cluster, it is anticipated that the Conference of the Parties will meet both in plenary and as a sessional committee of the whole, with the latter having a greater focus on technical issues. Discussions may also take place in smaller groups as required.

9. Highlighting the celebratory aspect of the meeting, a series of special events will be held throughout the week, illustrating the successes achieved thus far in the Minamata quest as well as the work that remains to be done. The events will focus on all areas of the Convention and the mercury life cycle and will be accompanied by an extensive exhibition area, including interactive displays. In addition, a high-level segment, under the theme "Making mercury history", will be held during the final two days of the meeting, on Thursday 28 and Friday 29 September. The high-level segment, hosted by the President of the Swiss Confederation, will afford senior dignitaries and ministers an opportunity to celebrate and discuss the achievements to date and to consider the way forward, including key priorities in addressing the objectives of the Convention.

10. Delegates are invited to use the afternoon of Saturday, 23 September, and the morning of Sunday, 24 September, for regional and possible interregional discussions to prepare for the opening of the meeting on the afternoon of Sunday, 24 September. This extended opportunity for regional discussions will allow the regions to consider key issues of importance and will serve as a follow-up to the full regional consultations to be held in July in advance of the first meeting. Such discussions are considered to be essential, particularly for the first meeting of the Conference of the Parties, to ensure that the views of all countries can be heard in preparing for the adoption of decisions by the Conference of the Parties. Conference rooms will be made available as necessary for the discussions.

Progress made at the sixth and seventh sessions of the intergovernmental negotiating committee and decisions adopted by the Conference of Plenipotentiaries

11. The intergovernmental negotiating committee has made good progress in a number of areas that will be considered further at the first meeting of the Conference of the Parties. The committee has adopted, on a provisional basis, relevant forms for use under article 3 of the Convention on mercury supply sources and trade, as well as under article 6 on exemptions available to a party upon request. The committee has also adopted, on a provisional basis, guidance required under article 3 on mercury supply sources and trade and article 8 on emissions. Some technical issues on which the committee was unable to reach a conclusion, such as reporting, require additional work, and intersessional work requested by the committee on interim storage, waste, contaminated sites and the effectiveness evaluation, is to be considered by the Conference of the Parties at its first meeting. On financial issues, the committee has forwarded to the Council of the Global Environment Facility (GEF) for its consideration a memorandum of understanding between the Conference of the Parties to the Minamata Convention and GEF, as well as draft guidance to GEF. The committee has also made substantial progress on the specific international programme to support capacity-building and technical assistance,

with a few remaining details to be resolved at the first meeting of the Conference of the Parties. Progress has also been made on administrative aspects of the Conference of the Parties, in particular the rules of procedure and the financial rules, which are to be adopted by the Conference of the Parties at the first meeting.

12. At its seventh session, the committee made progress on issues highlighted in the Final Act adopted by the Conference of Plenipotentiaries, considering the report of the Executive Director of the United Nations Environment Programme (UNEP) on the performance of the duties of the secretariat and deciding to forward the report, amended in line with the discussions, to the Conference of the Parties for consideration at its first meeting.

Preparing for the first meeting of the Conference of the Parties

13. Delegations will need to prepare very carefully for the first meeting of the Conference of the Parties. At the meeting a number of decisions relating to ongoing implementation will be adopted. While many of them have been extensively discussed by the intergovernmental negotiating committee, some issues will be considered in depth for the first time. Delegations need to be prepared to adopt decisions that are compatible with national policy. For countries that are not yet parties to the Convention, it will be important to consider the decisions carefully and, should they conclude that a given decision might be problematic, to work with the parties to the Convention to ensure that all decisions that are adopted can be implemented.

14. As the first meeting will include a high-level segment, many delegations will include ministers and other high-level representatives. The key to a successful high-level discussion is to ensure that high-level participants are well-briefed and engaged. Information and documents relevant to the high-level segment should be considered carefully, and delegations may wish to liaise with the interim secretariat regarding any areas of particular interest or concern for their high-level representative.

15. The Conference of the Parties will have many documents before it, covering among other things administrative matters relating to the future operation of the Conference of the Parties and its finances, operational issues relating to activities under the Convention, technical issues relating to national activities under the Convention and policy issues such as financing following the entry into force of the Convention.

16. I strongly encourage all parties to arrive at the first meeting with a clear understanding of those issues, including a sound understanding of the relevant sections of the Convention text and of country-specific needs at the national level for certain structures and processes, as well as a detailed understanding of all meeting documents. The discussions at the regional meetings in advance of the session will assist with this preparation to some extent.

17. I anticipate that we will be able to take into consideration, where appropriate, existing examples and structures in other multilateral environmental agreements in the chemicals and wastes cluster while bearing in mind the specific requirements of the Minamata Convention. I am aware of the contributions of, and the interim secretariat's close cooperation with, the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants in the preparation of the documents that the Conference of the Parties will have before it at its first meeting. Other organizations, in particular the World Health Organization and the GEF secretariat, have also been contributed to those documents where appropriate.

18. I strongly encourage you to undertake the necessary national and regional consultations, and to take the opportunity to consult with other regions and delegations as you consider appropriate, both before and during the meeting. Thorough preparation for the meeting will enable us to maximize progress.

Organization of work of the first meeting of the Conference of the Parties

19. As this will be the inaugural meeting of the Conference of the Parties, with many more ratifications of the Convention anticipated in the months following its entry into force, certain special provisions are planned for the meeting in order to maintain the history of inclusivity of the Convention and the process leading to its development, notwithstanding that future meetings of the Conference of the Parties may be structured more traditionally. For instance, there will be opportunities for discussion at a number of different levels during the meeting. While the plenary of the meeting of the Conference of the Parties will serve as the formal mechanism for opening the discussions, it is planned that a sessional committee of the whole will be established to provide a more suitable forum for discussing overarching policy issues of a general nature. Participants in the high-level segment of the

meeting will focus on significant policy and cross-cutting issues, considering in particular the impact of the Convention's implementation on other key environmental, health and sustainable development issues, as well as the impact of other issues both on the effective implementation of the Convention and on its expected impact such as a reduction in environmental levels of mercury.

20. A sessional committee of the whole is considered to be an especially apt forum because it is similar in nature to the intergovernmental negotiating committee and as such will facilitate discussion of specific issues such as technical implementation issues and issues relating to finance. A similar mechanism has operated successfully at sessions of the United Nations Environment Assembly of the United Nations Environment Programme (UNEP) and its predecessor, the Governing Council of UNEP, as well as for the first meetings of the conferences of the parties to other multilateral environment agreements.

21. We will need to balance the time we spend working in the committee of the whole with the time spent in discussion in any smaller groups that are established. This approach will facilitate the airing of all viewpoints and allow for more detailed and in-depth consideration of specific issues in the smaller groups. Both types of discussion will be required in order to reach consensus.

Use of small groups

22. While it may be necessary to establish small groups for more detailed consideration of certain issues, I hope that the use of such groups can be kept to a minimum and that as many issues as possible can be resolved by the committee of the whole prior to their referral to the Conference of the Parties for formal adoption in plenary. I hope in particular that any policy issues will be resolved by the committee of the whole and that smaller groups of government representatives can then ensure that policy choices made in larger groups are accurately captured. The results of the deliberations of the smaller groups will be presented to the committee for its consideration and possible adoption.

23. The Bureau and I are fully aware of the challenges faced by many delegations in covering a wide-ranging set of simultaneous discussions and we will endeavour to limit the number of groups working simultaneously. Decisions concerning the number and nature of the groups required and the organization of their work will be made in consultation with the Bureau throughout the meeting.

Desired outcome of the first meeting of the Conference of the Parties

24. The principal desired outcome of the first meeting is that all the issues that are required by the Convention to be considered or adopted by the Conference of the Parties at its first meeting are concluded. The provisional adoption of work on a number of issues by the intergovernmental negotiating committee should facilitate this outcome, but a number of key issues will need to be resolved at the meeting. In addition, agreement on a number of other issues not requiring decision at the first meeting would assist the further implementation of the Convention by parties and guide further work on matters to be taken up at the second and subsequent meetings.

25. In conclusion, I urge all delegates to prepare themselves to commence this new chapter of our work on the Convention in a spirit of cooperation, with a clear recognition of our objectives. Although our journey together in the intergovernmental negotiating committee has been challenging at times, it has also been inspiring, particularly in terms of understanding how much can be achieved by a group of dedicated, committed individuals when they have a common goal of protecting our heritage and safeguarding future generations. I look forward to seeing you in Geneva to mark this historic event aimed at "Making mercury history" as we come to grips with the real work of the Convention in addressing the global challenge of mercury.

Fernando Lugris
Chair of the intergovernmental negotiating committee